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MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				SHERMAN, STEPHEN G
ART UNIT		PAPER NUMBER		
2629				

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/659,109	HENRIKSSON, MICHAEL	
	Examiner	Art Unit	
	Stephen G. Sherman	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 September 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 and 39-58 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 47 is/are allowed.
 6) Claim(s) 1-11, 13-24, 26-37, 40-46 and 48-58 is/are rejected.
 7) Claim(s) 12,25 and 39 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.

 | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed the 11 September 2006.

Claims 1-37 and 39-58 are pending.

Response to Arguments

2. Applicant's arguments filed the 11 September 2006 have been fully considered but they are not persuasive.

First, with respect to the rejections under 35 USC § 112, the applicant states that there is sufficient evidence in the specification to support the claims, however, in order to advance prosecution the claims have been amended to obviate the rejections. Claim 37, however, was not changed and still recites the limitation with which there is no support in the specification, therefore the rejection under 35 USC § 112 for claim 37 is maintained.

The applicant's first argument, made on page 15 of the response, is in regards to the rejection of claims 1-4, 7-8, 10, 13, 43-44, 48 and 50. The applicant argues on page 16 second paragraph of the response that if the three references were somehow properly combinable that the references would yield three displays. The examiner respectfully disagrees.

The Ellenby reference was not meant to be bodily incorporated into the device made by the combination of Seymour and Bell, but to be used only to show a teaching that one display can be used to select content within another display. The applicant is

reminded that the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the references make obvious to one of ordinary skill in the art. In Re Bozek, 163 USPQ 545, (CCPA 1969); In Re Richman 165 USPQ 509, (CCPA 1970); In re Beckum, 169 USPQ 47 (CCPA 1971); In re Sneed 710 F-2d 1544, 218 USPQ 385.

The applicant's second argument, made on page 16 of the response, is in regards to the rejection of claims 1-4, 7-8, 10, 13, 43-44, 48 and 50, in that the Seymour and Bell references are not combinable. Specifically the applicant states that one of skill in the art would not have been motivated to combine Bell with the teachings of Seymour since Seymour proposes a very different apparatus, specifically a non-enclosed significantly spaced apart vertical/upright display arrangement of the two displays, with each display open to the environment and where heating is likely, at most, a minor issue and in a device with substantially no common operative functions. The examiner respectfully disagrees.

First of all, both the Seymour and Bell patents are commonly assigned to each other. In their disclosures they both state that the device technology used in the multilayered viewing systems can be applied using their copending applications. Secondly, the drawing shown in the Seymour reference are only illustrative of the concept of fusing a multilayered display system. The drawing is not meant to be an actual representation of the display device. No display device would look as such. The drawing instead is meant only to show how two overlapping displays can be used to

show information. Therefore using this method with the device of Bell, where they both contain multiple display layers, is proper and includes proper motivation.

The applicant's third argument, made on page 19 of the response, is in regards to claims 3 and 10, plus the newly added claims 51-56. The applicant argues that the three reference combination does no teach of displaying portions of incoming message data on both displays or parsing incoming data transmitted using a computer network onto the two-stacked displays. In order to make this argument the applicant attacks the Seymour reference by saying it fails to disclose dynamic messaging or communicating using computer networks that transmit messages, the Bell reference by saying that it only proposes a PDA with no discussion of active display of data on both displays, and that Ellenby only discloses of using two adjacent displays for map navigation. In regards to this argument, the applicant is reminded that non-obviousness cannot be shown by attacking the reference individually where, as here, the rejections are based on the combination of references. *In re Keller*, 208 USPQ 871 (CCPA 1981).

The applicant's fourth argument, made on page 20 of the response, is in regards to claim 44, stating that it is the claimed novel combination of color and monochromatic in a stacked display configuration that is patentable, not the fact that the separate displays exist and that it is using the two displays together that is claimed and that is the proper focus of patentability, however, as stated in the rejection, stacked displays are already known in the art as taught by Seymour and Bell, and since black and white and color displays are already known it would have been obvious to one of ordinary skill in the art to make the stacked displays taught by Seymour and Bell in this configuration.

The applicant's fifth argument, made on page 21 of the response, is in regards to claims 5-6, 11 and 49, stating that the combination of Seymour, Bell and Pallakoff is improper because, "properly combined," the display arrangement of Bell and Seymour would incorporate a microdisplay positioned alongside the PDA displays with magnifying elements, rather than the reverse. The examiner respectfully disagrees.

The Pallakoff reference was not meant to be bodily incorporated into the device made by the combination of Seymour and Bell, but to be used only to show a teaching that a message can provide text on one display while having visual data on a second display. The applicant is reminded that the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the references make obvious to one of ordinary skill in the art. In Re Bozek, 163 USPQ 545, (CCPA 1969); In Re Richman 165 USPQ 509, (CCPA 1970); In re Beckum, 169 USPQ 47 (CCPA 1971); In re Sneed 710 F-2d 1544, 218 USPQ 385.

The applicant's sixth argument, made on page 21 of the response, last paragraph is in regards to the fact that the motivation to combine the references is to extract one isolated feature not found in the two primary references, thus, this motivation is improper as it is used to rationalize the combination based on the teachings of the instant invention, and that the alleged unsupported motivation would appear to be subjective as to what a user may find "enhances the viewing experience." The applicant is reminded that it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made.

The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. *In re Scheckler*, 168 USPQ 716 (CCPA 1971); *In re McLaughlin* 170 USPQ 209 (CCPA 1971); *In re Young* 159 USPQ 725 (CCPA 1968).

The applicant's seventh argument, made on page 22 of the response, is in regards to hindsight, where the applicant has stated that the only motivation for combining Seymour and Bell is found in the present invention and that one of ordinary skill in the art would not have been motivated to combine the references, and also that the other references such as Ellenby and Pallakoff cannot be combined due to insufficient motivation that only is provided by the present invention. The examiner respectfully disagrees.

First, as stated in the examiner's response with respect to the argument of the combinability of Seymour and Bell, there is plenty of motivation to combine the references. Also the applicant is reminded that it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. *In re Scheckler*, 168 USPQ 716 (CCPA 1971); *In re McLaughlin* 170 USPQ 209 (CCPA 1971); *In re Young* 159 USPQ 725 (CCPA 1968). Therefore the statement that Seymour and Bell are obvious to combine in order to provide an enlarged display area of a PDA type display device without a detrimental loss in brightness while improving the visual experience of the user is proper. Second, with respect to the combinations made using the Ellenby

and Pallakoff references, the references were only used for their teachings of displaying information on two displays. The applicant is reminded that the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the references make obvious to one of ordinary skill in the art. In Re Bozek, 163 USPQ 545, (CCPA 1969); In Re Richman 165 USPQ 509, (CCPA 1970); In re Beckum, 169 USPQ 47 (CCPA 1971); In re Sneed 710 F-2d 1544, 218 USPQ 385. Furthermore the applicant is reminded once again that the test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Scheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 37 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 37 recites the limitation that the first display

is operable in a screensaver mode while the device is operating to receive and make telephone calls and download data, however, it is not described in the specification how the device is operable to receive and make telephone calls and download data while the device is in a screensaver mode. Figure 3 and page 8, lines 18-27 of the specification explain that the device can provide a screensaver mode or a lock mode and that these modes may be engaged after a period of non-use or by the request of the user. The specification however never addresses that the device is operable to receive and make telephone calls and download data while the device is in a screensaver mode.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 57-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallakoff (US 2002/0151283).

Regarding claim 57, Pallakoff discloses a handheld wireless terminal portable communications device having telephone capacity (Figure 6 shows a cellular telephone), comprising:

a hand-held housing configured to enclose a transceiver that transmits and receives wireless communications signals (Figure 6 shows a cellular telephone that inherently has a transceiver or else it wouldn't function as a phone.);

a first display in communication with the transceiver and held in the housing so that a corresponding first viewing surface is externally viewable (Figure 6 shows a first display 604 that is held within the housing of the cellular telephone.); and

a second display in communication with the transceiver and held in the housing beneath the first display so that a corresponding second viewing surface is externally viewable (Figure 6 shows a second display 600 that is held in the housing of the cellular telephone and is beneath the first display.),

wherein the second display is configured to present an operating interface desktop with user selectable menu items (Figure 6 shows that second display 600 has a desktop showing the time and date and also with user selectable items 603 for example.),

wherein the first and second displays are configured to interactively communicate (Figure 6 and paragraph [0064] explain that the displays can communicate such that when a user selects the link for the yahoo map, the map is then displayed on the first display.), and

wherein the device is configured to concurrently present different visual presentations of text, graphic and/or pictorial data on the first and second displays (Figure 6 shows that the first display shows a map while the second device concurrently displays the time, the date and a text message.).

Regarding claim 58, Pallakoff discloses a device according to Claim 57, wherein the displays are configured to cooperate to at least one of enlarge, move, highlight, emphasize, select or project data, text or features on one display with the other display (Figure 6 shows that display cooperate such that the user is able to select the yahoo map on one display and then view that map using the second display.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 7-8, 10, 13, 43-44, 48 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Ellenby et al. (US 2003/0184594).

Regarding claim 1, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text and/or visual data on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and presenting a different visual presentation of text and/or visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus, wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].), wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items (Paragraph [0088] explains that the visual display unit could be any computing means. Being that the invention is made to provide visual data on two different overlapping display surfaces of a PDA, the PDA would still be equipped with its normal operations, of which would include an operating interface desktop with user selectable menu, as is explained in paragraphs [0004]-[0005] and [0018].).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to disclose of electronically selecting a feature, text or indicia using the first display within content of an application on the second display to navigate.

Ellenby et al. disclose of a method for providing text and/or visual data to a display comprising of electronically selecting a feature, text or indicia using the first display within content of an application on the second display to navigate (Figures 2-3 and paragraph [0088] explain that text selected in a display region 3, as labeled in Figure 1, and that the selection of the text in the display region 3 causes the selection of the content within the display region 2 to change to allow the user to navigate to the different places on the map.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the selection and navigation features taught by Ellenby et al. with the multi-focal plane display taught by the combination of Seymour and Bell et al. in order to allow for the device to maintain a small size while retaining the ability for the user to interact between the first and second display.

Regarding claim 2, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour and Bell et al. also disclose wherein the first and second displays are aligned so that the user can view data on both of the displays at the same time, and wherein the user can focus on one of the displays by optically altering his/her focus to a focal length corresponding to the desired display (Bell et al. paragraph [0018] or Seymour paragraph [0078].).

Seymour also discloses the method further comprising providing contrast and three dimensional effect to a user using the first and second displays so that certain

feature, text or objects optically project outward toward a user (Paragraph [0078] explains that the information could be provided on one or more focal planes, and then claim 1 states that the information on the second display adds a perception of depth of the information on the first display.).

Regarding claim 3, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the data on the first display comprises textual data (Figure 1, display 3 has text 5.), and wherein the data on the second display comprises visual data (Figure 1, display 2 has visual data 6.), and wherein the first and second displays are linked to simultaneously display related incoming communication data transmitted using a computer network (As shown in Figure 1, the visual data shown on the displays are linked together. Therefore, given the combination of references already made, the portable communications device would be capable of receiving incoming data which would display on the first and second screens.).

Regarding claim 4, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 3.

Seymour also discloses wherein the visual data comprises an image (Figure 1, visual data 6 is an image.).

Regarding claim 7, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Ellenby et al. also disclose a method further comprising configuring the first and second displays to interactively communicate in response to actions by the user (As explained in the rejection of claim 1, Figures 2-3 and paragraph [0088] explain that text selected in a display region 3, as labeled in Figure 1, and that the selection of the text in the display region 3 causes the selection of the content within the display region 2 to change to allow the user to navigate to the different places on the map, meaning that in response to a user action the displays interact.).

Regarding claim 8, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Bell et al. also discloses the method further comprising illuminating pixels on the first display in a manner that allows the user to view through the illuminated pixels to the second display (Paragraph [0028] explains that the display must be at least partially transparent, meaning that the user would be able to see through the display to the other display.).

Regarding claim 10, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the steps of presenting visual and/or text data on the first and second displays comprises presenting text on the first display while

presenting an image related to the text on the second display (Paragraph [0074] explains that the text and image relate to one another.), and wherein the visual and textual data comprises incoming or outgoing communication data transmitted using a computer network (As shown in Figure 1, the visual data shown on the displays are linked together. Therefore, given the combination of references already made, the portable communications device would be capable of receiving incoming data which would display on the first and second screens.).

Regarding claim 13, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the second display provides visual and textual data and the first display is adapted to selectively present a subset of the data provided by the second display (Paragraph [0078] explains that a subset of secondary information could be provided on each of the displays.), and wherein the first and second displays are interactively communicating during the presenting steps (As shown in Figure 1 the visual data interacts with the textual data in communicating manner in order to augment the experience of the user.).

Regarding claim 43, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 2.

Although no specific mention is made as to whether the second display is in color, it is well known in the art that PDA screens can be provided in color, and in the same manner, it is well known in the art to provide a monochromatic display.

Regarding claim 44, it was already mentioned in the rejection of claim 1 that one of the first or second displays could contain to operating interface desktop, meaning that the second display could be configured with such. As for the second display having an increased resolution over that of the first display, Bell et al. discloses that the first display would have to be at least partially transparent meaning that the resolution would then have to be lower than that of the non-transparent display provided underneath.

Regarding claim 48, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the presenting steps are carried out with at least one of the displays presenting moving graphics (Paragraph [0058] explains that either of the displays could include motion.).

Regarding claim 50, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein content on the first and second displays are linked so that as text scrolls or changes on one display, visual images change automatically on the other (Paragraph [0058] explains that either of the displays could

include scrolling. Since the purpose of the invention is for one screen to augment the information provided on the other, if text were scrolling on one display, the visual representation on the other would change. Paragraph [0076] also explain that as the first display shows one piece of text the second display would contain a second piece of text and as the user reads the text, the information form the second display is moved to the first display and the second display is made to update to hold the next piece of text.).

Regarding claim 51, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Based on the combination of references, the examiner interprets the device could also be used with non-map related content.

Regarding claim 52, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Ellenby et al. also disclose wherein the electronically selecting a feature, text or indicia using the first display is configured to allow a user to electronically carry out at least one of the following: emphasize, edit, save, send or write to, content of the application on the second display (Figure 2 shows that selecting either Othon Financial Tower or Matalio's Sausage Shop will allow the user to interactively show the direction, as indicated by the bolded box, to the selected place of interest.).

Regarding claim 53, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 52.

As explained in the rejection of claim 52, Ellenby et al. allows a user is able to change which building is bolded depending on which place of interest is chosen on the first display, i.e. this is sending information to the second display, writing to the second display, and emphasizing content on the second display. Also, given the inherent characteristics of a PDA, a user would most likely also be able to edit and save content on the display.

Regarding claim 54, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the first and second displays cooperate to provide a feature with a three-dimensional visual appearance (Figure 1 shows that the first and second display are on separate focal planes and give a three dimensional depth to the user.).

Regarding claim 55, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour discloses of the first display presenting textual information, while Bell et al. disclose that the second display would contain a desktop configuration, meaning that given the combination of references text could be shown on the first display while having the desktop on the second display.

10. Claims 5-6, 11, 49 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Pallakoff (US 2002/0151283).

Regarding claim 5, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text and/or visual data on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and presenting a different visual presentation of text and/or visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus, wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].), wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items (Paragraph [0088] explains that the visual display unit could be any computing means. Being that the invention is made to provide visual data on two different overlapping display surfaces of a PDA, the PDA would still be equipped with its normal operations, of which would include an operating interface desktop with user selectable menu, as is explained in paragraphs [0004]-[0005] and [0018].).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to teach of generating a MMS message having text and visual data and parsing the message data such that text presents on the first display and visual data presents on the second display.

Pallakoff discloses a method for providing text and/or visual data to a display, comprising of generating a MMS message having text and visual data and parsing the message data such that text presents on a first display and visual data presents on a second display (As shown in Figure 6 and as explained in paragraphs [0064]-[0065] a message that is received is generated, and the textual data is shown on the display 601 and the visual data comprising a webpage is shown on the second display 604.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the idea of parsing the textual and visual data of a message as taught by Pallakoff with the multi-focal plane display device taught by the combination of Seymour and Bell et al., which already had shown text on a first display and visual data on a second display, in order to allow the user to create messages that enhance the viewing experience of its recipients.

Regarding claim 6, please refer to the rejection of claim 5.

Regarding claim 11, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and

presenting visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a

second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to teach wherein the text on the first display comprises map directions of a geographic location of interest and the visual data image on the second display comprises a map corresponding to the location of interest.

Pallakoff discloses a method for providing text and/or visual data to a display wherein text on a first display comprises map directions of a geographic location of interest and visual data image on a second display comprises a map corresponding to the location of interest (Figure 5 shows a first display 500 and a second display 501. The first display 500 shows a webpage with a map one it. The second display 501 is able to show a subset 503 of what is shown on the display 500. The user could then navigate to the driving directions section and choose to display the textual driving directions of the first display 501, while the overall webpage would still show the visual map [refer to paragraphs [0059]-[0061]].).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the display screen method taught by the combination of Seymour and Bell et al., which already teaches of displaying text on a first display and visual data on a second display to enhance a user’s assimilation of data, to display the map and directions as taught by Pallakoff in order to allow the user to have a greater comprehension of the directions by simultaneously viewing the map.

Regarding claim 49, Seymour, Bell et al. and Pallakoff disclose a method according to claim 5.

Seymour also discloses wherein automatically scrolling text is presented on the first display and video related to the text is presented on the second display (Figure 1 shows that text is on one display and a visual image is presented on the second display, where the text and visual image relate to each other. Paragraph [0058] then states that

the primary or secondary information could be scrolling and paragraph [0046] explains that the primary and secondary information could be plain text or video. Thereofre the text shown on the first display in Figure 1 could be scrolling and the picture shown on the second display in Figure 1 could be a video.).

Regarding claim 56, this claim is rejected under the same rationale as claim 6.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Ellenby et al. (US 2003/0184594) and Huffman et al. (US 5,661,635).

Regarding claim 14, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 3.

Seymour, Bell et al. and Ellenby et al. fail to teach a method wherein the textual data provided by the first display comprises data from a digital book or article, and wherein the visual data provided by the second display is video clips, images and/or pictures from the digital book or article.

Huffman et al. disclose a method wherein the textual data comprises data from a digital book or article, and wherein the visual data provided is video clips, images and/or pictures from the digital book or article (Column 5, lines 34-47. The examiner interprets that the graphical data could be video clips, images or pictures.).

Therefore it would have been obvious to “one of ordinary skill” in the art to use the display screen method as taught by the combination of Seymour, Bell et al. and Ellenby et al. with the digital book method taught by Huffman et al. in order to provide a way to view the images and text of the digital book at the same time.

12. Claims 15-20, 22, 24, 26-30, 34-36, 40-41 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Basturk et al. (US 6,600,527).

Regarding claim 15, please refer to the rejection of claim 1, and furthermore Seymour and Bell et al. fail to teach wherein the first display is configured to selectively optically block the second display from external viewing while the portable communications device is operating with the second display carrying at least one of text and visual data thereon to thereby inhibit unauthorized use of the device.

Basturk et al. disclose of optically blocking a first display to prohibit viewing of a second display while the second display is carrying visual data (Figure 2-4 and column 3, line 60 to column 4, line 13 explain the second display is visible when the first display is transparent and then the first display can be switch so as to optically block the viewing of the second display while the second display is carrying the visual clock data.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the idea of using a first display to optically block the

content of a second underlying display as taught by Basturk et al. with the dual layered display taught by the combination of Seymour and Bell et al. in order to allow for the lower display device or the upper display device to be viewed selectively without altering the quality and legibility of the other's display.

Regarding claim 16, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Bell et al. also disclose wherein, in operation, the first display is configured to provide text and/or visual data using pixels with sufficient optical transmissivity and/or transparency to allow a user to optically view through the first display to text and/or visual data on the underlying second display (Paragraph [0028] explains that the display must be at least partially transparent, meaning that the user would be able to see through the display to the other display.).

Regarding claim 17, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Bell et al. also disclose wherein the first display is configured as a monochromatic display and the second display is configured as a color graphic display (Paragraph [0028] explains that one display must be at least partially transparent, meaning that the user would be able to see through the display to the other display). Although no specific mention is made as to whether the second display is in color or the

first display is monochromatic, it is well known in the art that PDA screens can be provided in color or black and white.).

Regarding claim 18, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Seymour also discloses wherein the first and second displays are aligned and positioned so that the first and second displays are substantially coextensive with each other (Figure 1. The two display screens 2 and 3 can be seen to be positioned so that they are substantially coextensive.).

Regarding claim 19, this claim is rejected under the same rationale as claim 2.

Regarding claim 20, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Seymour also discloses wherein the first and second displays are aligned so that the user can view data on both of the displays at the same time (Figure 1 and paragraph [0074]).

Regarding claim 22, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Bell et al. also disclose wherein, in operation, the first display is configured to illuminate pixels in a manner that allows the user to view through the illuminated pixels

to access data on the second display (Paragraph [0028] explains that the display must be at least partially transparent, meaning that the user would be able to see through the display to the other display.).

Regarding claim 24, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Basturk et al. already disclosed that the first display is capable of optically blocking the second display, and furthermore also discloses in column 4, lines 6-13 that the switching in the different optical states is achieved by a control circuit. When the display is switched into a particular state it stays in that state until it is switched again. Therefore if the first display is in an optically blocking state it will automatically block the second display if the user is not using the device.

Regarding claim 26, Seymour, Bell et al. and Basturk et al. disclose an assembly according to Claim 15.

Bell et al. also disclose a terminal housing holding the first and second displays; and terminal circuit components in the housing to provide a computer terminal (Paragraph [0088] explains that the invention relates to a PDA, which would be a housing holding the displays and would contain circuit components in order to provide a computer terminal.).

Regarding claim 27, please refer to the rejection of claim 26, and furthermore, Bell et al. also discloses wherein the terminal is portable (Paragraph [0088] explains the invention is a PDA, which is portable.).

Regarding claim 28, please refer to the rejection on claim 26, and furthermore, Bell et al. also discloses wherein the terminal is wireless (Paragraph [0088] explains the invention is a PDA, which is wireless.).

Regarding claim 29, please refer to the rejection of claim 28, and further more Bell et al. also discloses wherein the housing is configured to enclose a transceiver that transmits and receives wireless communications signals (Paragraph [0088] explains that the invention relates to a PDA, which would be a housing holding the displays shown in Figure 3, where the housing would include a transceiver for wireless communications, as it is well known for PDAs to include a transceiver for wireless communications.).

Regarding claim 30, this claim is rejected under the same rationale as claim 2.

Regarding claim 34, this claim is rejected under the same rationale as claim 16.

Regarding claim 35, this claim is rejected under the same rationale as claim 17.

Regarding claim 36, this claim is rejected under the same rationale as claim 18.

Regarding claim 40, the examiner interprets that since the combination of references as used in claim 15 discloses a device containing the ability to perform these functions, that it would also contain a computer readable medium with a computer program code on it to enable the device to perform its functions.

Regarding claim 41, this claim is rejected under the same rationale as claim 17.

Regarding claim 45, it was already mentioned in the rejection of claim 1 that one of the first or second displays could contain an operating interface desktop, meaning that the second display could be configured with such. As for the second display having an increased resolution over that of the first display, Bell et al. discloses that the first display would have to be at least partially transparent meaning that the resolution would then have to be lower than that of the non-transparent display provided underneath.

Regarding claim 46, this claim is rejected under the same rationale as claims 17 and 43.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Ellenby et al. (US 2003/0184594) and Yamaguchi et al. (US 6,275,932).

Regarding claim 9, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour, Bell et al. and Ellenby et al. fail to teach a method wherein the first display is configured to operate in a screensaver mode during periods of non-active use.

Yamaguchi et al. discloses a method wherein a display is configured to operate in a screensaver mode during periods of non-active use (Column 11, lines 6-12. The examiner interprets that since the user would start the screensaver when they intend to not be using the device.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the screensaver mode taught by Yamaguchi et al. with the method taught by the combination of Seymour, Bell et al. and Ellenby et al. in order to lock and protect the device from unauthorized users.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Basturk et al. (US 6,600,527) and Yamaguchi et al. (US 6,275,932).

Regarding claim 23, this claim is rejected under the same rationale as claim 9.

15. Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Basturk et al. (US 6,600,527) and Ellenby et al. (US 2003/0184594).

Regarding claim 21, this claim is rejected under the same rationale as claim 7.

Regarding claim 31, this claim is rejected under the same rationale as claim 7.

16. Claims 32-33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Basturk et al. (US 6,600,527) and Pallakoff (US 2002/0151283).

Regarding claims 32-33 and 42, these claims are rejected under the same rationale as claim 6.

Allowable Subject Matter

17. Claim 47 is allowed.

18. Claims 12, 25 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating the claims allowable is the inclusion that the first display is able to BOTH electrically lock access to the second display by providing a password restricted access entry region on the first display AND optically blocking the remainder of the first display while the second display carries text and visual data thereon to inhibit unauthorized use of the device, which is not found singularly or in combination in the prior art.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engle (WO 02/084637 A1) discloses of a dual layered display screen method in which items on either of the screens can be selected in order to allow for considerable amount of interaction between the user and the screens.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AMR A. AWAD
SUPERVISORY PATENT EXAMINER


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SS

28 September 2006